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# Mr. CHUTES Caſe

## Upon the Lady *Dacres* Appeal in, 1685.

THE points of the Lady *Dacre*'s Petition of Appeal, are to reverſe two points by way of Explanation of the Lord's Order made upon a Solemn Hearing in the Houſe of Lords, upon Mr. *Chute*'s Appeal in *November*, 1680.

The *1ſt.* Touching the Maintenance of her Younger Grand-Children.

The *2d.* Touching a Specifick Legacy of Goods at *Sutton* Court.

And as a new Appeal for Relief, touching Goods at *Dorſet* Houſe, given her as pretended by Mr. *Chute*'s Grandfather's Will in 1659. of about 900. *l.* value.

And that ſhe is by the Court of *Chancery* lately ordered to pay 20 *l. per Annum*, as a rent for the Vine-Houſe; and 20 *l. per Annum* for Fewel by her ſpent there.

As to the Firſt Matter of Reverſal,

*1ſt.* The Lord's Order was, that a Clauſe in a Decree in 1668, for allowing the Lady 120. *l. per Annum*, for Maintenance of the ſaid Children ſhould be reverſed, and conſequently that the Money paid her for it, ſhould be applyed towards her other demands from Mr. *Chute*.

But now ſhe ſayes that ſhe has ſince diſcovered Mr. *Chute*'s Father's Will, charging his Eſtate with Maintenance for the Children, which had ſhe had before (ſhe is Confident) the Lords would not have reverſed that decree.

But yet it is fully proved ſhe did before know of that Will, and in Truth it is not to the purpoſe, for it does not charge the Eſtate at all; nor was the Decree for the Maintenance grounded on it, nor did it mention it. And therefore could not (were there any thing in it) be uſed by her.

*2d.* As to the Specifick Legacy of Goods at *Sutton* Court; The Lords Order is plain and poſſitive, that ſhe ſhall have no benefit by that Legacy, till the Debts are paid, and that the value ſhall be applyed to pay her Debt, when ſhe firſt had it, which was in 1659. and yet ſhe would, by a Pretence of Explanation have that Order ſet aſide, and have it preſently allowed her, altho the Debts were not paid in 20 Years after, and note that by his Will, he ſays he looks upon thoſe Goods, not to be the further from his Son.

As to the new Matters of Appeal.

Touching the Pretence to the Goods at *Dorſet* Houſe, the Will was plain that he gave her ſuch Goods only as ſhould be at *Sutton* Court at his Death. And thoſe ſhe had by the ſaid Decree.

And altho by her Bill in Chancery in 1662. ſhe might claim thoſe at *Dorſet* Houſe too; yet Mr. *Chute*'s Father was charged with them in 1666. by the Decree upon her Bill as aſſetts to pay debts, and ſo he applyed them. And ſhe never excepted to the Maſters Report of that Charge, but acquieſſed ever ſince, thereupon without any claim for 20 years.

As to the 20 *l. per Annum* for the Houſe; it is proved (by ſeveral Gentlemen living near the ſaid Houſe) to be worth 50 *l. per Annum.*

And as for the 20 *l. per Annum* for Firewood, it is likewiſe proved that the ſaid Lady *Dacres* burnt to the value of 70 *l. per Annum.*

*Theſe two laſt are the only Points, wherein the Lady* Dacres *appeals againſt the Chancery to the Lords.*

*In all the other Points, ſhe appeals to the preſent Houſe of Lords againſt the laſt.*